



SOCIAL JUSTICE RESOURCE

Bishop Manning's Comment in *Catholic Outlook*

Study Guide

Workplace Relations Hopes *July 2005*

by
Bishop Kevin Manning

The Federal Government has announced that it intends to reform the workplace relations system. While the general direction of the reforms has been announced, the details are not yet available for public scrutiny.

In a recent article published in Catholic Outlook, Bishop Kevin Manning responds to a reader's question about what he would consider to be the best possible outcome.

Bishop Manning's response draws on the long tradition of Catholic Social Teaching concerning the employment relationship and provides a framework against which the workplace relations measures can be assessed when the details are eventually released.

This is a contentious issue on which people of good will may reach different practical judgements. By focussing on the principles at stake, and the desired outcomes, I hope that this discussion guide will promote constructive and respectful dialogue.

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QUESTION:

I have heard that the Federal Government is planning major changes in workplace relations legislation, and you have written about it. What would you see as the best outcome?

ANSWER:

Reflecting on the legitimate purposes of workplace relations legislation, and what I would ideally hope for, I was reminded of Pope John Paul II's meeting with workers at the Transfield factory when he visited the Diocese of Parramatta in 1986. The Pope had special praise for Australia's industrial relations system at that time:

Australia also has a long and proud tradition of settling industrial disputes and promoting co-operation by its almost unique system of arbitration and conciliation. Over the years this system has helped to defend the rights of workers and promote their well being, while at the same time taking into account the needs and future of the whole community.¹

Centrality of the Human Person

Australia was a world leader in industrial relations. I would hope that, in the new legislation, our cherished tradition of solidarity, mateship, and fairness would not be dealt a blow in the name of productivity and profits.

The human person, not the economy, was the centre of Pope John Paul II's concern, and the human person must remain the centre of all social legislation. Our economic system, including the employment relationship, should serve the human person, rather than treating people as disposable 'factors of production'.

The test of a workplace relations system is whether or not ordinary workers have safe and healthy work conditions, wages sufficient to support themselves and their families with dignity, and the security of knowing that they cannot be dismissed arbitrarily, without reason and due process.

I would hope that a new workplace relations regime would ensure these outcomes for all workers, regardless of what sector they work in, their level of skill and training, or the size of the enterprise for which they work.

Enterprise bargaining

The fact that a contract is agreed between a worker and an employer is not sufficient to ensure that it is just. Ordinary workers have less power in negotiations about employment contracts than owners and managers of companies.

The highly trained and those with skills in high demand may be able to strike a good deal for themselves by bargaining directly with an employer, but what about those who are not the best and brightest?

Under the new legislation, workers must not be placed in a position where they have little choice but to accept what is offered to them.

Subsidiarity & the Common Good

The principle of subsidiarity, cited by some politicians, suggests that matters should be dealt with at the lowest possible level of organisation, and that governments should not interfere unduly in economic or social life.

While this is true, it reflects only half of the principle of subsidiarity.

The same principle requires higher levels of organisation, like governments and trade unions, to intervene at lower levels of organisation in order to ensure the common good.

The common good is not just a calculation of the greatest good for the greatest number (and too bad for the weaker or disadvantaged) it is about ensuring that the needs of each, and of all, are met. It is the least we can expect from the pending legislation.

Workers, Unions & the Common Good

Ordinary workers strive for a fair deal by exercising their right to organise and act collectively. They have the right to choose their own organisations and representatives in negotiations, just as employers do.

Trade unions have been an important means of action for fair wages and conditions, but if unions become greedy and push for more than is just, more than employers can pay, they too are harming the common good, which must be respected in all cases.

Legislation

When the Federal Government has control of both Houses of Parliament it is virtually impossible to prevent it from passing whatever laws it likes.

Unless members of the Government cross the floor to vote against it, or the legislation is later struck down by the High Court as unconstitutional, the Government's new workplace relations legislation will be passed and implemented.

At times party leaders declare a 'conscience vote' allowing members of their party to vote, without repercussions, according to conscience rather than a predetermined party line.

For the Christian politician, every vote must be a conscience vote.

If the new workplace relations arrangements fail to ensure that ordinary workers will have safe work conditions, wages sufficient to support themselves and their families, and the security of knowing that they cannot be dismissed without reason and due process, the duty of Christian politicians is clear, and I would hope that they exercise their responsibility.

Bishop Kevin Manning
***Catholic Outlook*, July 2005, p 3.**

Bishop Kevin Manning is the Bishop of Parramatta and a Member of the NSW Catholic Commission for Employment Relations. He is a former Chairman of the Australian Catholic Social Justice Council.

¹ Pope John Paul II, Address to workers at the Transfield Factory, Parramatta.

Starting Points for Reflection & Discussion

You may find it useful to work through all of these starters over several sessions, or just choose two or three that suit your audience, context or particular interests.

1. Bishop Manning sets out the criteria by which he would judge a workplace relations system. What are they? Do you agree? Why / why not? What criteria would you set?
2. Do you think that individual agreements between employees and employers are likely to be fair? Why / why not?
3. What role, if any, should trade unions play in negotiating agreements about pay and conditions?
4. The right to associate and to act collectively in pursuit of our legitimate interests is recognised as a basic human right. How can a workplace relations system respect this right, and at the same time enable people to exercise their right to individual economic initiative in the negotiation of an employment contract?
5. Can a contract that is freely entered into by both parties be unfair? Have you ever signed a contract that you felt was unfair? If so, why, and what were the consequences?
6. Which groups in our community would be most likely to benefit from individual employment contracts? Which groups would be least likely to do well out of such arrangements?
7. Bishop Manning suggests that the principle of subsidiarity should regulate the organisation of workplace relations, but there are different opinions on what this might mean. Some argue that the Federal Government shouldn't interfere unduly in an area of State responsibility, and that a diversity of State employment relations laws are needed in order to address the diversity of circumstances, for example differences in cost structures, around the country. Others say that this is an area in which a higher level of organisation needs to coordinate in order to promote the common good. What do you think?
8. Should there be different requirements for small and large enterprises, for example in relation to unfair dismissal laws? Why / why not?
9. If you were a politician, how would you respond to Bishop Manning's suggestion that every vote should be cast according to conscience rather than the party line?
10. How would you have answered the question put to Bishop Manning?